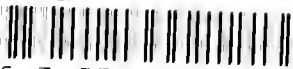


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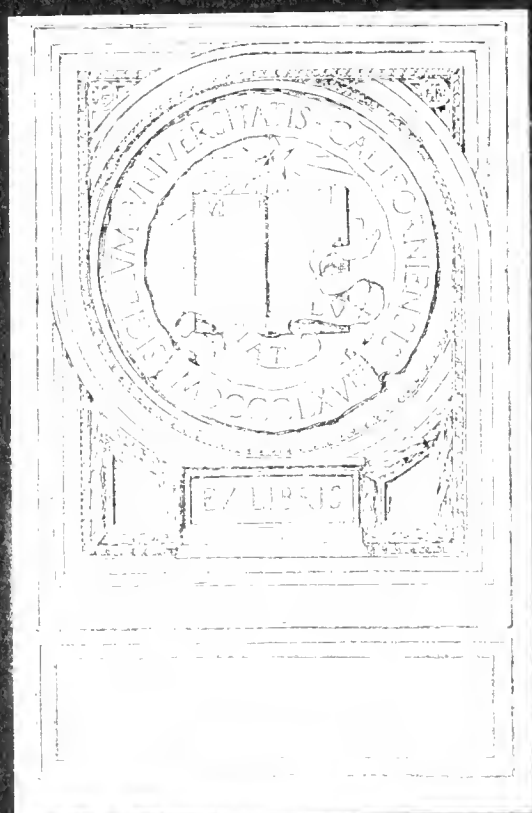
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GIFT
AUG 17. 1924

SPEECH

OF THE

HON. THOMAS EWING,

(1789-1871)

DELIVERED AT A

PUBLIC FESTIVAL,

GIVEN HIM BY THE

Whigs of Ross County, O.,

JUNE 10, 1837.

Seneca W. Ely, printer, Chillicothe.

70
AUGUST

DAY OF CALLED

This speech, in which my grandfather reviews the administration of President Jackson, is reprinted from a copy found in the Congressional Library.

THOMAS EWING.

Yonkers, N. Y., July, 1924.

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TO MARY
ANDERSON

Gift

EWING'S SPEECH.

I thank you, Mr. President, for the sentiment of approbation just delivered; and you, my fellow-citizens, I thank you heartily, for the approving spirit in which it has been responded to. I look upon the scene which is before me—upon the vast concourse of intelligent and patriotic citizens assembled on this occasion, who fill the grove around us, with feelings, to which I will not attempt to give utterance. The impression sinks deep in my heart, and will remain among its most cherished recollections.

I am just relieved, gentlemen, from a long and arduous term of service in the Councils of the Nation, to which the partiality of my fellow-citizens assigned me. That service is ended; and I will devote this occasion, which so happily occurs, when the public mind is aroused and public attention awakened, to speak of what I have seen and believe, as to the movement and tendency of our Government during the time that I have watched its progress—studied to comprehend its course. There are epochs in the history of nations, short, perhaps, in their development, but enduring in their effects, which give them a tendency and a character that remains for ages. Such was the accession of Augustus Cæsar to the consular and tribunitian power in Rome:—such the revolution of 1688 in England. The two instances were opposite in their effects, but alike in their power, and in their permanence. All agree that the Administration which is just passed has engraven itself deeply on the history of our country; that our institutions have felt, and must continue to feel its influence; that not only the *prac-*

tice but the *principles* of our Government have been somewhat *changed*:—all agree in this. Some say that they have been *improved*, others say they have been perverted;—but all agree that a bold and strong hand has been upon them, and marked them with his grasp. —It were instructive, then, to inquire what has been the tendency of our Government during the past Administration, what are the principles, or what the *great principle*, which gave it direction and impulse, and which the present Chief Magistrate has pledged himself to *carry out*; or, to use the language of a modern philosopher, as original as he is profound, What is the *IDEA* which the past administration has tended to develop? I affirm, that it is the *IDEA OF UNITY*—a tendency to concentrate all the powers of the Government in the hands of one man;—and I hold myself prepared to prove it by a review, brief though it be, of the leading measures of the Administration during the last eight years.

I will place first in order, for it was the first that attracted my attention, and called forth my remonstrance, the exercise, for party objects merely, of the power of *appointment* and removal by the President. That we may have a fair field before us—that we may take a somewhat comprehensive view of this important subject—let us look back to the time of the second Adams, and hear the opinion of those now in power and influence, on the nature and tendency of this branch of Executive patronage.

During the four years of that Administration, two individuals, and two only, whose names appear on the records of the Senate, were removed from office; nor was it pretended that those removals were for party purposes: and, within the same four years, some five or six printers of the public laws were changed. The change of printers was alleged to be made for party

purposes, with how much or how little truth I will not now stop to inquire; but it became a standing theme of declamation and reproach; and during that Administration, a few—but the number was small indeed—of the members of Congress, were appointed to office by the President. They were, in fact, treated just as other citizens were treated; neither preferred nor rejected because of their station. Still the *patriots* of that day, who are the supporters of *power* in this, saw danger to our institutions, from the exercise of the appointing and removing power. So important was the subject deemed—so imminent the danger—that, in the session of 1825-'6, a committee of the Senate was raised specially to examine and report upon the subject; and it is but justice to say that they did their duty well. They do, in their Report, with great accuracy and exactness, point out as probable, the very mischief, which *they*, when they possessed themselves of that power, hastened to inflict on the country. The Report to which I refer was made by Mr. Benton, as chairman of the committee, on the 4th day of May, 1826. I will trouble you with reading a few extracts, which contain, as I think, much theoretic truth and speculative wisdom.

After speaking of the theory of a Government, when the laws should execute themselves without human agency, "the scene," says the Report, "shifts to the theatre of real life, when they are executed by civil and military officers; by armies and navies; by courts of justice, by the collection and disbursement of revenue, with all its train of jobs and contracts; and, in this aspect of the reality, we behold the working of PATRONAGE, and discover the reason why so many stand ready in any country, and in all ages, to flock to the standard of power, wheresoever and by whomsoever it may be raised." The report

then refers to the Blue Book—the political register of that day—to show the extent of that patronage, and adds, that “the reduction of the public debt, and the income of the public revenue, will multiply in a four-fold degree the number of persons in the service of the Federal Government, the quantity of money in their hands, and the objects to which it is applicable;” which, it adds, will increase in geometrical progression the powers of the Government and bring it to a degree of energy beyond the power of mind to calculate or to comprehend.” I would that I had the Blue Book of that year and of this, to show, by the contrast, how true has been the prediction, and how vast the increase of the number of the officers who subsist on the patronage of the Executive. “The amount of money to be applied,” says the Report, “will increase in a fourfold degree;” and so it has. The appropriations for all purposes, except the public debt, was then less than twelve millions;—ten years after, in 1836, it was upwards of forty-eight millions,—and the author of that Report, now arrayed on the side of power, and supporting its “STANDARD,” attempted to swell that appropriation to more than eighty millions!

But the direct effect of Executive influence over and through these public offices and the public funds, is further developed, in another paragraph of the same Report. Having presented a bit from the Blue Book, the paper proceeds:—“A formidable bit indeed!—formidable in numbers, and still more so from the vast amount of money in their hands. The action of such a body of men, supposing them to be animated by the same spirit must be tremendous in an election: and that they will be so animated is a proposition too plain to need demonstration.—Power over a man’s *support* has always been held and admitted to be power

over his *will*. The President has power over the support of all these officers; and they again have power over the support of debtor merchants, to the amount of ten millions of dollars per annum; and they again have power over the support of an immense number of individuals, professional mechanics, and day-laborers, to whom they can, and will extend or deny a valuable public and private patronage, according to the part which they shall act in *State*, as well as in *Federal* elections." The Report goes on to show that this mighty concentration of patronage and power, in the hands of the Executive—"is an overmatch for the power and influence of *STATE* patronage;—that its workings will contaminate the purity of all elections, and enable the Federal Government eventually to govern throughout the States as effectually as if they were so many provinces of our vast empire."

No one can doubt that the dangers to the purity of elections and to the liberties of the country, here pointed out, were imminent, if the Government should fall into the hands of men disposed to make the worst possible use of power. So the Report views it;—so we all must feel it. But might it not have been hoped, that in the Senate and House of Representatives, some checks would be interposed to this perverted political action;—that *they*, the guardians of the people's rights, would interpose and save the country from ruin and the people from bondage?—No—the Report goes on to show, that such hope would be vain. "The intended check and control of the Senate, without new constitutional or statutory provisions, will cease to operate;—patronage will penetrate this body; subdue its capacity of resistance, chain it to the car of power, and enable the President to rule as easily, and much more securely, with than without this nominal check of the Senate. It then looks forward

to the time when the nomination by the President can carry any man through the Senate, and any measure through the two Houses of Congress; when the principle of public action shall be open and avowed, *the president wants my vote and I want his patronage: I will vote as he wishes and he will give me the office I wish for.* What will this be but a government of one man, and what is a Government of one man but a *monarchy.*"

These are the weapons, which, in the opinion of that committee, a President who should wish to concentrate all the powers of the Government in his hands, could at once seize and wield against the liberties of his country; and I have quoted it the more at large, as it goes to establish a full and perfect knowledge on the part of those lately in power, and those who still retain it, that the abuse of the power of appointment and removal—its application to mere party purposes—its direction to the sole object of sustaining those in power without regard to the public welfare, must, in time, go far to establish the Government of one man, which, whatever name it may assume, is in substance a monarchy.

I have said that in four years next preceding the Administration of General Jackson, there were two removals from office, among those higher officers which require the confirmation of the Senate. In the two first years of General Jackson's Administration, there were upwards of three hundred in the same class of officers—more than three times the number of all that were removed during the first forty years of the existence of our Government. Nor was the hand of power limited even there. The doctrine was openly avowed in the Senate of the United States, "that to the victors belong the spoils of victory." The change of parties and the transfer of power, was like the sack of a city.—The public weal was not cared

for, but the public property was seized. Within the same two years, in all the offices, high and low, the removals amounted to more than *eleven hundred*, and no appointment was made except of active political partizans. During the six following years the eye of the Executive has been upon the officers, great and small, throughout the United States, watching, not the faithful discharge of their official duty, but their due adherence to party discipline, and their strict discharge of party obligation. If any but a political adherent remained in the discharge of a public trust, no matter how small the office, or how faithful the officer, he was removed, and a partizan fills his place. If any political partizan remits his exertion, or his thorough adherence is doubted, he is removed, and another more active and efficient supplies his place. Thus, in time, the whole corps of office holders, whose names, closely printed, fill a volume of five hundred pages, has become, what it was predicted in the Report just referred to, they would become, an active, efficient, organized band throughout all the States, from the centre to the extremity of the Union, whose efforts are constant to support the party that sustain them, and centre all the powers of the Government in the hands of the man who is the head of that party. —All that could be done, in this particular, to carry out to its worst results this defective feature in our Constitution, pointed out by the Report, has been done, and still is in progress.

I have spoken of the removal of those from office who were not active and efficient electioneering partizans. The record of the Senate and the several Departments shows the fact of their removal, and I have only to appeal to your own consciousness here and in every other town and city in the United States, where there are any officers of the Government stationed,

whether the present incumbents do not act, as if they held it a part of their official duty to take charge of the polls at your elections, and use all their power, personally and officially to control them. This has been the tenure by which they held their offices; and if any one hesitated to do the work assigned him—if he were tardy or scrupulous as to the means—he was thrown out of employment; perhaps deprived of support, and his character vilified by the pensioned presses.

Another point of attack through this same power, when it could be brought to bear with full force against the liberties of the country, is pointed out in a part of that Report which I have just read. The Senate, by the Constitution, holds the negative on all the principle appointments to office, but the Committee say, that “patronage will enter into and corrupt that body;—that the President can govern as absolutely and in more security with, than without, its nominal check;—and that his power, will in time, be sufficient to carry any man through the Senate.”—Was this verified in the result? Did patronage enter that body, on the accession of the late Administration to power? Have we forgotten how many Senators were at once selected to fill important Executive offices? More in the last eight years than under all the previous administrations of our Government. I need not name them, or say to you that our present Chief Magistrate heads the list. Such were the means that were fixed upon and pursued to subjugate the Senate—the Executive was there manifest in that chamber, ready to raise to offices of distinction, all who gave him their unflinching support. The effort was early made, and it was continued long to subdue the independence of the Senate. But the resistance was noble, and, for a long time, successful. The single weapon, *Patronage*, was not

enough to overthrow it. But, to subdue its capacity of *resistance and chain it to the car of power*, another effective engine, moved by the same hand, was brought into action. Executive patronage was successively and carefully applied to the States whose Legislatures held, successively, the appointment of Senators, until, in the language of the Report, "its workings contaminated the purity of elections" and enabled the Executive, at last, to select a large proportion of the members of the body. The effect was at last successful, and the Senate's capacity of resistance was subdued.

This atrocious principle of reward for partisan service, and punishment for opposition, was carried beyond the mere Executive offices, into the two Houses of Congress, and the whole weight of Executive power was brought to bear on each member of Congress, in either House, who dared to oppose an Executive measure, or expose the abuse and corruption of an Executive Department. Sometimes the weight of the Executive arm was sufficient to crush, at once, its virtues. If that were withstood, arrangements, artifice and fraud did the work. This was followed out as a fixed and constant system, until the President, and not the People, or the Representatives of the People, is looked to as the source of all power, and distributor of all patronage.

To give this system its full and extended influence, —to enlarge its sphere of action and increase its effects,—new offices were created; old ones multiplied or used as multipliers, and salaries were increased. Witness the Indian agents and sub-agents; Commissioners to make treaties; Commissioners to appraise property, and agents to remove Indians and locate reservations; and witness, especially, our diplomatic relations with foreign powers. Take, for example, the mission to Russia. Mr. Middleton was re-called to

make place for Mr. Randolph. Mr. Randolph returned to make place for Mr. Buchanan; Mr. Buchanan, for Mr. Wilkins, who yields to Mr. Dallas, making, in eight years, four new Foreign Ministers, at an extra expense—a waste of money on that Mission of \$52,500. No one will pretend that the country was better served than if the first named Minister had remained at his post; but the appointing power was extended, and the reward of political partizans increased.

In some of the great Departments of our Government, commonly styled "*Executive*," and for the last eight years, under the most entire and absolute Executive control, the public money has been corruptly squandered to acquire and extend Executive influence; or the subordinate officers of those Departments have been permitted, through the medium of their offices, to enrich themselves and their friends and partizans out of the public property, or by illegal speculations upon individuals whom their offices placed in their power; thus making submission to the Executive and adherence to the party in power—a road to wealth open to the restless and ambitious. Much of this has been disclosed in the Indian branch of the War Department; much more in that part of the Treasury which has charge of Public Lands and Deposit Banks: and still more—for that office alone has been investigated fully, and its frauds exposed—still more in the General Post Office, which, in consequence of the extent of its corruptions, and its efficiency as an electioneering agent, has also risen to the dignity of an Executive Department. I am not, gentlemen, either uncharitable or unjust in charging upon the late Executive and his Cabinets, (actual and potential,) the frauds which were disclosed in the General Post Office. They were not the affairs of a day—or the single

act of peculation or fraud of an obscure or subordinate agent; no, it was a system adopted and acted upon for a series of years—commencing by a false Report from the head of the Department, in the session of 1830, and continued by acts, year after year, more corrupt, and Reports more false, until the veil that half covered, but did not conceal their abominations, was, finally, in 1835, rent from them, and they were exposed to the world in all their naked deformity. It were vain to attempt the casting off of those crimes which even a political pensioned press could not openly sustain—it were vain to cast those crimes upon the miserably inefficient individual who was the nominal head of that Department. It was the work of those who made up the Executive. The measures of that Department were Executive measures, and its corruptions were of Executive counsel and head. I make not these assertions without evidence to my own mind, at least, entirely conclusive.

In the session of 1830-'31, a proposition was made in the Senate to investigate the affairs of the General Post Office, founded upon the great and flagrant abuses which were alleged to have crept into the administration of its affairs. The committee was appointed, they detected many abuses;—among others the altering of a word in sundry places for the evident purpose of impeaching the oath of an individual who had been dismissed from office for lack of subserviency. When the proof thickened, and the appearance of guilt became strong, the wily Chairman of the standing committee on the Post Office and Post Roads, (Mr. Grundy,) who was also on the select committee, raised an objection to evidence, without having that objection acted on in the committee; he brought it before the Senate, and on *that* a debate arose which wore out the session. Thus the

investigation was for that time eluded. Afterwards, I think it was in the year 1832-'3, another investigation was elicited by the loud and continued complaints of abuses in the Department. I was at that time a member of the Post Office committee, of which Mr. Grundy was still chairman. I was in a *minority*, and, during the whole investigation, I never saw a witness, or a paper of any kind relating to the affairs of the office, until the chairman produced his report and read it, denying all the charges touching the conduct of the Postmaster General and his subordinates, and speaking in high terms of the flourishing condition of the Department, its facilities and its finances. In 1833-'4, the majorities were changed, and then took place an investigation in good faith: and then it was that all those enormous abuses, which had before forced themselves upon the knowledge of the public, were disclosed and exposed. The Executive, and the minions of the Executive, did not yield to the point. They denied what was proved to demonstration itself. They assailed, with all the fierceness of baffled avarice and deep seated malignity, all who were concerned in forwarding the investigation, and especially men who supported its most active mover and promoter.

Accompanying the Report, which I, as the organ of the committee, at that time presented, was a resolution condemnatory of one of the secret and lawless acts done by the head of the Department. That resolution, the only one voted on, was carried *unanimously* in the Senate—no one, however strong his party feelings, choosing to stain his own character with his support of the act. This, however, did not silence the pensioned press, or the clamors of those who were battenning on the spoils. The investigation was continued and carried out; a committee of the House

joined in the inquiry, and fully corroborated all that had been shown by that of the Senate; and then, and not till then, were the Executive engines silenced, and their blood hounds called off from the chase. But how were those who had been detected and exposed in official falsehood—in aiding his friends and political retainers, and political partizans, to peculate upon the revenues of the department; and how were those who themselves joined in the peculation and shared the spoils, dealt with by the head of our free and just republic? Barry, who had been the actor or the instrument—who had committed much, and permitted all—was allowed to retire upon a foreign mission; and Obadiah B. Brown, convicted of altering and falsifying the books of the Department—with 40,000 dollars of the Public money in his hands unaccounted for—was allowed to resign:—and when, at last, the General Post Office was consumed, *he* was made the keeper of all the books and papers which were saved from the flames.

Now, from the very face of this narrative, plain and simple—detailing events in their order, as they occurred—can any one doubt, that the keen-sighted, intelligent leaders of the party in Washington—those whom the President most counselled and most relied on—knew and approved what was done and doing in the General Post Office? Why, when all the Cabinet was dismissed, for the purpose of making it a UNIT, was Mr. Barry alone excepted, unless it were to carry on the scheme of corruption which was begun, and was to be persevered in without fear of scruples which might arise in the mind of a successor, and interfere with the system? Why, when in either House of Congress, that Department was especially challenged and accused by the opposition—why did not the Executive himself cause its conduct and con-

dition to be specially inquired into, and its errors corrected? And how is it possible to believe, that we, of the Opposition, to whom the doors of that Department were, in a great degree closed, should discover and expose abuses unknown to those who were as familiar in the Department as they were at their own firesides? Why, at last, when condemning proof was adduced against it, did the Executive, and his presses, and his minions of all grades, sustain those who had betrayed their public trust, and attack and pursue, with a fiend-like fury, all who had aided in its exposure? And why, at last, appoint to an honorable office the head of that Department whom public opinion compelled to retire from it for flagrant abuse of his official trust? The answer to all these inquiries is obvious; it was a part of the general system of the Administration so to conduct that Department, because, by so conducting it, they released it from the restraint and obligation of *law*—it became subject to *Executive discretion*.—The amount of money to be disbursed on “*jobs and contracts*” was increased; and the number of men who could be employed and influenced was increased also. The abuse, therefore, of that Department was an Executive measure, adopted for the purpose of strengthening the Executive arm.

The VETO was another weapon used by the President to place his power above all other powers of the Government, and to absorb them all. He found in it a safeguard of Executive rights, placed in the Constitution to guard against legislative encroachment:—he so used it, that it gave him sovereign power over all active legislation—power to permit or to forbid it. The means of *patronage* and influence which I have already considered, were sufficient, in all most all cases, to control, if not a majority, at least *one third* of *one* branch of Congress. When this number was

once secured, no law could pass which was displeasing to the President, for his *VETO* was efficient to arrest and defeat it; but if the country called so loudly for the measure, that even Executive influence could not command a third part of either House; if the majority of both branches were overwhelming, as to amount almost to unanimity, there was still another resource—a *choice few* could be obtained who would devise pretexts for *delays*:—the measure demanded by the People, but obnoxious to the Executive, would be postponed to within ten days of the close of the session, and instead of returning the bill, with a *veto*, his mode was to *destroy*, by withholding it. Such, for example, was the case with the bill rescinding the Treasury Circular, which is fresh in the recollection of you all, and which, with other acts, equally arbitrary, has inflicted unparalleled injury and suffering on our country.

The exercise of the *Veto*, aided by the other, more important, because more effectual, Executive prerogative, of retaining a bill passed by more than two-thirds of both branches, and thus preventing the further action of Congress upon it, has, for the last eight years, made the President of the United States absolute in his power of *preventing legislation*. No law could be passed, however much it might be demanded by the country, if it did not suit his purposes and meet his concurrence. As to active legislation, this was assumed in another manner.

The President was sworn to support the Constitution, and see that the laws were faithfully executed. By virtue of this oath of office, and of this Constitutional injunction, the late President claimed the right to *expound* and *construe* the Laws, and determine for himself their meaning and extent, and also their agreement with the Constitution. Although the

judicial power is placed in other hands—though the Supreme Court of the United States would be but a useless toy, if this power of construction were vested in the President; nevertheless, he claimed and exercised it—and that, too, against a decision of the Supreme Court upon the very point. It will be at once seen, that if such claim be admitted and sustained, the President if he be unscrupulous or capricious, may make our laws say whatsoever may suit his own purposes. The Judicial power cannot correct nor control him, for in the construction of the laws, his very claim is the power of revising and correcting the decisions of the Courts.—The Legislative branches cannot control him; for his *veto power*, his power to *postpone*, and finally, to *retain* bills which conflict with his purposes, make him absolute in saying what the *laws shall be* or is, and perfectly absolute in making it remain as he has pronounced it. Nothing more strongly evinces the wantonness and absurdity of uncontrolled power than the distinctions which the late President built up for himself, on which to rest a reason for doing what he willed to do, and for refusing to do what was not pleasing to him. For instance, he vetoed the bill making an appropriation for the Maysville and Lexington road—which was urged and passed as part of a great line of communication from Washington City to Florence, in Alabama, branching off from the Cumberland Road at Zanesville:—he vetoed the bill giving aid to this all important and national work, on the ground of alleged unconstitutionality, while at the same time he signed the *bills* which, year after year, made heavy appropriations on the Cumberland road, a part of the same great undertaking, and resting on precisely the same principle, so far as I could conceive, of nationality in its object. The distinction taken by General Jackson

was, that the appropriation for the Cumberland road was made obligatory a *contract* with the new States; as if a contract to violate the Constitution could give a right to violate it. No, fellow-citizens, it was a mere pretence to extend Executive discretion, and to compel those who sought the passage of laws favourable to their sections of the country, to seek it through Executive, rather than the Legislative, action. That no actual constitutional scruple ever did rest upon the mind of the President, and prevent his sanction of that law, I infer from another distinction still more ridiculous, which he adopted in another class of cases.—Many appropriations were made by Congress for the improvement of our rivers, which, (with some exceptions, that I need not here stop to point out,) rest on precisely the same ground with roads and canals. The President undertook to discriminate among them, and to make some constitutional and others not; and the rule which he lay down was, that all which were below a *port of entry* were constitutional, and he gave them his sanction; all above, violated the Constitution. The Senators from Indiana made several attempts to get an appropriation for improving the navigation of the Wabash river, but their bills were vetoed.—They then endeavored to get a port of entry established higher up the river, so that it might become *constitutional* to make the contemplated improvements. This suggested to a friend of ours in the House of Representatives a most commendable remedy for the evil. He drew up a resolution, (I believe he did not offer it,) making the High Lands which separate the waters falling into the Gulf of Mexico from those falling into the Atlantic and the St. Lawrence, one continuous port of entry, so that it might become constitutional to improve the navigation of all below. But ridiculous as these dis-

tinctions were, they served to concentrate power and influence in the hands of the Executive. It caused those who sought favors from Government to seek them through him, and it made his very caprices more potent than the sound intelligence of the nation besides, backed and supported by the constitution of the country.

It has been another favorite pursuit of the past Administration, by every means which could be used with effect, either by new legislation, or by new and arbitrary construction, to render the laws vague, so that much discretion should be left to the public officers in their execution. I need instance only the inroads which have been made upon our land system, formerly the most perfect perhaps that was ever devised.

Instead of regular sales to the highest bidders, a fair competition and equal privileges to all purchasers, and the universal right to make entries after closing the sales, such as it was under our old and well tried system, a set of pre-emption laws were commenced under the last Administration, and continued until the winter of 1835-6, when we succeeded, at last, in arresting their progress: but we could not put an end to the evils which they had produced. I need not detail to you, gentlemen, the frauds, the speculation, the lawless violence that had its origin in these pre-emption laws, which were feigned to be intended for the benefit of the poor, while, in fact, they only increased the already overgrown fortunes of the rich speculator and monopolist.—I look at it here in a different and more important aspect—as a measure, a part of a system, whose whole tendency was to put down the law and the power of the law, and substitute in its place personal caprice and Executive discretion. The right to pre-emptions had to be proved before the

Registers and Receivers of the Land offices, and their certificate was generally conclusive of the claim. A legal right might be lost by the ill-will of those officers; a claim not legal might be sustained by their favor. In some cases they became partners in the claims which had to pass under their sanction: In others, they contented themselves with advancing the interests of their personal friends and political partisans. Sometimes appeals were taken from the decisions of Registers and Receivers to the Commissioner of the General Land Office; and while our fellow-citizen, Governor Brown, was at the head of that bureau, neither private fraud nor political favoritism was countenanced there. But he was too honest to hold office in those times, and under that Administration. His situation was rendered unpleasant; he was annoyed, assailed, ridiculed, and at last resigned.

As the measures of the past Administration are to be carried out by the present, we shall, no doubt, have forced upon the country another set of pre-emption laws; the vocation of the professional squatter will become again a profitable vocation, and, if any of you venture to go to the West to bid for land at the public sales, with the hope of securing a favorite spot on which to settle your children, your bid will be drowned by the voice of an angry multitude, or yourselves assailed for daring to oppose the new power which has risen up and taken the place of law under the late glorious Administration.

By means like these, which I have touched upon, but have not been able fully to detail, all the patronage and power of the Government, the power of removal, the Legislative power, the dispensing power, the Judicial power—all the powers of the Government except the control over the public purse, have been drawn together and centered in a single hand:—and did he

leave the PUBLIC PURSE, the other great lever with which nations are moved and directed, did he leave that untouched, or unattempted? No; the struggle for *that*, is too recent, was too long continued and too fierce, to have been overlooked or forgotten.—We see too many of the consequences of that contest around us, we feel too strongly its effects to let it pass suddenly or lightly from our memory.

At the time of the charter of the Bank of the United States, in 1816, that Bank was made the depositary of the public monies, and also the fiscal agent of the Government. In its capacity as depositary it belonged to the representatives of the States and the people—the two Houses of Congress—and was properly responsible to them alone. As the disbursing agent it was the agent of the Executive, subject to the performance of certain duties prescribed by law—in all other respects it was a private corporation, subject to individual control, and partook no more of a political character than any other chartered institution of the country. So it was considered, so it acted, and during the Administration of Mr. Adams and the first year of President Jackson, no one attributed to it a party or political character.

But when the new Administration got in power, the possible use that might be made of this moneyed institution in cementing the influence or rewarding the partizans of the new Administration was not overlooked.

Gen. Jackson was *elected* to the Presidency in November 1828, and took the oath of office on the 4th day of March, 1829; and between the time of his election and inauguration the first efforts were begun to gain over the Bank of the United States, in which were the public deposits, so as to make *it* and the deposits the instruments of Executive will. The first

effort was made in Kentucky by certain members of Congress from that State, friendly to the new Administration, who caused a paper to be presented to the cashier of the bank of Lexington, naming several individuals as directors of the branch at that place, who, it was said, would be acceptable to the party in power. The character and standing of the individuals named did not, as it appears from the accompanying documents, stand too high to justify an opinion that if appointed by the instruction of party leaders they would be used for party purposes. The attempt at dictation was at once repelled by the Bank.

The second effort was made by Isaac Hill and some other prominent party leaders in New Hampshire, to remove a President of the Portsmouth Bank, because his politics were not agreeable to the party in power. This proposition assumed a semi-official character, and though believed to have the sanction of the cabinet, it was rejected without hesitation. But this rejection was followed by a long and deadly war waged by the Executive against that Bank, which ended in its destruction as a national institution. The first decisive attack is made by the President, in his message of the 7th December, 1830, in which he proposes to organize a bank as a branch of the Treasury Department, with the necessary offices, based on public and individual deposits, with permission to sell bills of exchange to individuals. A bank in which the public money was to be deposited, with president, directors, cashier, every officer appointed, and its whole machinery moved by the Executive hand. This is what he essayed to make of the Bank of the United States; failing in this he then disclosed his purpose to pull down *that* bank and build up another institution which should do his bidding. Hence followed the VETO upon the bill

rechartering the Bank of the United States.—At the time, in the message containing this Veto and the reasons, wild and inconsistent as they were, I saw the fixed purpose of the President, and I saw, or thought I saw, the consequences which would follow the pursuit of that purpose. But much as was said of the injury to our currency, the destruction of exchanges, the general prostration of business and commerce, the suffering of the poor, the misery of the debtor, and all the evil and unhappy consequences which must follow a shock, such as this which was to come upon our country, I felt that it was all of small importance compared with the danger to our institutions from following out the Executive plans for the assumption of the public purse, with the other powers of government that he had gathered in his hands. But there was one circumstance which I long hoped would save us from the final consummation of all these mischiefs and the full concentration of all power in the bold hand that was so eager to grasp it. The plans of the President could not be carried out—a Treasury bank could not be established, filled to overflowing with the accumulating and increasing revenues, until the year 1836, when the charter of the bank which held the public deposits by law should expire, and within one year of which time *his* term of service would expire also.—It was not to be presumed that any man would succeed him having the *will* and the *POWER* to carry his purposes to their result.

But it was determined by the President not to wait the slow efflux of time. Hence the message of 1830, calling the attention of Congress to the subject of the Bank, or rather *a* bank, to be built upon its ruins. Hence, his message to Congress in December, 1832, in which he suggested doubts whether the Bank of the United States were a safe depository of the pub-

lic funds. That it was not in good faith with a view of ascertaining whether it was safe, I infer from the fact that after a full investigation had been made by an agent appointed by himself—after a most elaborate and careful examination by the House of Representatives on the same subject, both of which ended in conclusive, absolute proof that the public deposits were safe, and that the bank was well conducted for the interests of the country, a conclusion in which the House of Representatives almost unanimously concurred; he set on foot at once, immediately on the adjournment of Congress, negotiations and arrangements for removing those deposits on his own responsibility. This was one of his most powerful and determined efforts. To accomplish this he set at defiance the Constitution and the Laws and a sacred compact of the nation. To effect this, he removed two Secretaries of the Treasury, the one to another department, the other he dismissed from service before he could find an instrument subservient and reckless enough to do the deed. This violation of the faith of the *nation* in a monied transaction—this blow upon the credit of the country—the placing of the immense public treasure in a number of irresponsible banks where it would remain to tempt the cupidity of those who had it in their reach, and awaken an inordinate spirit of speculation—all combined, were decisive of the present fate of our commerce and our currency. Its destiny was sealed; no human power could afterwards save us from the shock, though wise counsels might have weakened its force, and have put off for awhile the evil day. But our doom was from that moment fixed, the day of tribulation was coming and must come, and it must and did come through these new fiscal agents, got up by Executive usurpation. I need not tell you, fellow-citizens, for you all remember with what energy

this act of the President was opposed in the Senate—how much the consequences were deprecated and how justly depicted, and how deep the wound that was alleged to be inflicted upon the Constitution and Liberty of our country. *They* cannot be forgotten—they have been kept constantly before the public—charged by the agents and advocates of Executive power as effusions of disappointed ambition or party malevolence, while those who urged and those who uttered them have constantly asserted and reiterated the same opinions and renewed the same predictions. It was the removal of the deposits, with all its train of abominations, that the Legislature of Ohio, in the winter of 1834-'5, instructed me to sustain, and it was because I would not betray my trust and connive at a violation of the Constitution of our country, and become a party to all the mischiefs which were to follow in the train of that lawless act—it was for this that I was denounced and pursued by the marshalled host of political Janissaries.

Though the disease which has been brought upon our currency has now become so inveterate that no remedy which will be applied can effect a cure, yet it may be interesting for a moment to trace the several stages by which it has been brought to its present degree of virulence. The first blow that was dealt by the Executive arm at the great moneyed institution, was the origin of the evil, though its effects were not at once apparent. The removal of the deposits aggravated and hastened the crisis, not so much by weakening the Bank of the United States, as by placing an immense amount of public money in the hands of the Executive and his subordinate agents. Shortly after the removal of the deposits the amount of public money arose to an immense sum, and as it was *credit only*, it possessed the attribute of multiplying itself to an indefinite extent.

There was, for example, one million of dollars of the public money in a deposit bank, more than would be probably drawn out in the current year for the purposes of Government; that bank would therefore lend this million for the purpose of making interest upon it. The money so loaned would be paid into the Land-Offices or for Customs and immediately deposited in the same bank, to be loaned again and again for the same purpose. Such was the course of things occurring in numerous banks, which the abundance of fictitious capital multiplied beyond any former precedent, until speculation, instigated by the fictitious state of things, run out into wild excess.

The unparalleled sales of the public lands which took place last year, amounting to more than twenty-three millions of dollars, were the legitimate fruits of the removal of the deposits. This is no new thought of mine. In my speech on the Land Bill, on the 15th and 16th days of March, 1836, I advanced the idea, and somewhat at large developed the mode of its operation; and I added, that what the government receives for their land "is not money but a cheat," mere trash, and that "every thing is tending to a catastrophe similar to that of 1818." I believe I had not the date of the *past* commercial catastrophe exactly right, but as to the then *future* catastrophe, no one will say that I erred very widely in my prediction of its coming.

In the session of 1833-'4, familiarly called the "panic session," (we hear of no "*panic*" now) Mr. Clay in speaking of the change of the public deposits, likened the Bank in which they had been placed, to a good strong ship, the Constitution, and the several new depositaries to a fleet of "bark canoes tied together by a grape vine." He thought they might float awhile in fair weather and on a smooth sea, but the first fresh breeze that passed over them would, he said, send them and their freight to the bottom. The

only mistake in those who predicted the event, was in entertaining the hope that they would not sink so suddenly. But I have often said, and I repeat it, I look upon the injury to our currency—the mischiefs done to the present interests of the community, as of small importance compared with that inflicted upon the Constitution, and the danger which it involves to the liberties of our republic. I have not spoken, nor will I speak, of that miserably ill-judged expedient, the Treasury Circular, the last arbitrary act of a retiring despot, intended to strengthen the deposite banks by emptying into them the vaults of all others, but which led to private hoarding and took from those banks more than it gave. I will not speak of it nor dwell upon it: In truth, I sicken at the mere recital of the usurpations of power and the wrongs which have been borne for years by this misgoverned nation. If it were but the miserable, silly experiment of a hard money currency which was, in truth, the object of those who guide the Executive counsels, we might consider it as ended, and laugh at *it* and at the suffering which it has brought upon us; but let us not flatter ourselves with such a belief. *The hard money currency*—the new mints at Dahlonega and Orleans which were to coin the *yellow boys*, the *real mint drops*, that were to shine through the long silken purses of our farmers, was a mere hoax—a tub for the whale. The projectors were never silly enough to doubt how this would all end. They knew, and all of us knew, that it would end in the destruction of the subject which they professed to improve—but they knew also, while the experiment was in progress it would cover their march to absolute power. So far, the Executive has moved on with giant strides toward this object, and will the present incumbent, who is pledged to carry out the principles of his predecessor, go forward in his foot-

steps? If that be his purposes he will seize upon the present disturbed condition of the country, and the excited state of the public mind and attempt at once, without argument or discussion, to establish a TREASURY BANK which shall be the mere creature of the Executive will. And why, if this be not his purpose—why was Congress on a sudden convened after the state of things became irremediable, when their convention was refused, though demanded by the united voice of the commercial community while relief was yet possible? But let not the friends of the Constitution and of the country be for a moment deceived by any bait which he may throw out, or drawn into any snare which he may set for them. If the President be now ready to resign a portion of his ill-gotten and misused power—if he will truly surrender the public purse into the hands of the Representatives of the People, let them go hand in hand with him in counting the mischiefs of the past, but let them not compromise or yield up any of the sacred rights and duties with which they are entrusted; especially not by a vote of theirs, surrender the public purse into the hands which have assumed it, and thus make legal the plunder. If their stand be firm in this last crisis, and their effort vigorous, success will attend them, for the crown and strength of the adversary are departed. The present Executive may pledge himself to “carry out the principles of the past,” but, thank God, the power—the moral energy—is wanting. The pigmy that occupies the hold cannot hurl the lance nor wear the armour of the absent giant. He has the *sword* but not the *arm* to wield it. Despotism, which has made long and rapid strides, may be bid to stand—nay, it may be driven back in its footsteps—the country, though long misgoverned, may be still saved, if the friends of the Constitution, in every part of the Union, will rally, unite and *come to the rescue*.

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